

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION

EMMERICH NEWSPAPERS,
INCORPORATED

PLAINTIFF

V.

CIVIL ACTION NO. 3:21-CV-32-KHJ-MTP

PARTICLE MEDIA, INC. d/b/a NEWS
BREAK and JOHN DOES 1-10

DEFENDANTS

AMENDED ORDER

Before the Court is Defendant Particle Media, Inc.’s (“Particle Media”) Omnibus Motion in Limine [85]. For the reasons stated below, the Court grants the motion as unopposed.

In preparation for trial, Particle Media filed an Omnibus Motion in Limine on August 12, 2022, seeking to prevent Emmerich from presenting evidence relating to: (1) actual damages and purely speculative harm; (2) alleged infringement of unregistered works; (3) trade association and industry-expert documents, studies, and analysis regarding fair use; (4) punitive damages; (5) speculation and irrelevant testimony about Particle Media and its owners, officers, and employees; (6) speculation and irrelevant testimony regarding Particle Media’s net worth, funding, and valuations; and (7) the jurors putting themselves in the Plaintiff’s shoes. [85] at 1. Particle Media did not respond to Emmerich’s motion, and the time to do so has passed.

Under the Local Uniform Civil Rules for the Southern District of Mississippi, a respondent must either file a response to the movant's motion or notify the court of its intent not to respond within fourteen days after service of the motion. L.U. Civ. R. 7(b)(3)(A), 7(b)(4). "If a party fails to respond to any motion, other than a dispositive motion, within the time allotted, the court may grant the motion as unopposed." *Id.* 7(b)(3)(E).

Particle Media filed its Omnibus Motion in Limine [85] on August 12, 2022. Under the Local Rules, Emmerich's response was due by August 26, 2022. As of today, however, Emmerich has not responded to the motion or notified the Court of its intent not to respond. Consequently, pursuant to Local Rule 7(b)(3)(E), the Court grants Particle Media's Omnibus Motion in Limine [85] as unopposed.

SO ORDERED AND ADJUDGED this the 2nd day of September, 2022.

s/Kristi H. Johnson
UNITED STATES DISTRICT JUDGE